

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

PATTIVA McKEAN, )  
Plaintiff, )  
v. ) C. A. No. 06-526-\*\*\*  
NORFOLK SOUTHERN RAILWAY )  
COMPANY, a Virginia corporation, )  
Defendant. )

**NOTICE OF DEPOSITION OF ELDRED CRESS**

PLEASE TAKE NOTICE that Defendant Norfolk Southern Railway Company ("Norfolk Southern") will take the deposition upon oral examination of Eldred Cress pursuant to Federal Rule of Civil Procedure 30, before an authorized court reporter, commencing at 11:00 A.M. on August 2, 2007 at the offices of Schmittinger and Rodriguez, P.A., 414 South State Street, Dover, Delaware, 19903-0497, or at such other time and place as agreed to by the parties. The deposition will continue from day to day until completed, shall be transcribed, and may be videotaped. You are invited to attend and cross-examine the witness.

POTTER ANDERSON & CORROON LLP

By: /s/ David E. Moore  
Daniel F. Wolcott, Jr. (#284)  
David E. Moore (#3983)  
Hercules Plaza, 6th Floor  
1313 N. Market Street, P.O. Box 951  
Wilmington, Delaware 19899  
(302) 984-6000  
[dwolcott@potteranderson.com](mailto:dwolcott@potteranderson.com)  
[dmoore@potteranderson.com](mailto:dmoore@potteranderson.com)

Dated: July 16, 2007  
807105 / 30577

*Counsel for Defendant  
Norfolk Southern Railway Company*

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**CERTIFICATE OF SERVICE**

I, David E. Moore, hereby certify that on July 16, 2007, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on July 16, 2007, I have Electronically Mailed the documents to the following person(s):

Nicholas H. Rodriguez  
Schmittinger and Rodriguez, P.A.  
414 South State Street  
P.O. Box 497  
Dover, DE 19903-0497  
[nrodriguez@schmittrod.com](mailto:nrodriguez@schmittrod.com)

*/s/ David E. Moore*  
\_\_\_\_\_  
Daniel F. Wolcott, Jr. (#284)  
David E. Moore (#3983)  
Hercules Plaza, 6th Floor  
1313 N. Market Street, P.O. Box 951  
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(302) 984-6000  
[dwolcott@potteranderson.com](mailto:dwolcott@potteranderson.com)  
[dmoore@potteranderson.com](mailto:dmoore@potteranderson.com)